

Green, LindaE

From: 20999-66770135@requests.muckrock.com
Sent: Sunday, August 30, 2015 1:56 AM
To: FOIA HQ
Subject: Freedom of Information Request: EPA - Enck letters re: GE

August 30, 2015
Environmental Protection Agency
National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

- Any letters, reports or memos sent to the Department of Environmental Conservation from EPA Region 2 Administrator Judith Enck regarding General Electric's dredging of the Hudson River, and/or the proposed end of that dredging. I request the documents from 1/1/11 to the present.
- Letters, reports or memos sent to EPA Region 2 Administrator Judith Enck by the New York State Department of Environmental Conservation or and/or its subsidiary departments (such as the Division of Fish, Wildlife and Marine Resources) regarding General Electric's dredging of the Hudson River, and/or the proposed end of that dredging. I request the documents from 1/1/11 to the present.

Please search for responsive records regardless of format. I request the information in a machine-processable format, such as a spreadsheet (CSV or XLS) or word processor (TXT, DOC, DOCX) format. It can be provided by email, thumb drive, or CD. If it is unavailable in any other format, an OCR'd PDF (i.e. searchable) will do.

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1972). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979). Moreover, the Vaughn index must "describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information." *King v. U.S. Dep't of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis added). Further, "the withholding agency must supply 'a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.'" *Id.* at 224 (citing *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *Mead Data Central*, 566 F.2d at 261.

Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

I request a waiver of fees associated with processing this request for records. International Business Times is a news media organization. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

David Sirota
International Business Times
(646) 867-7155

Filed via MuckRock.com
E-mail (Preferred): 20999-66770135@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock
DEPT MR 20999
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

